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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/716,138 | 11/19/2003 | Kazuo Okada | LIL-0001 | 7005 |
| 23353 7590 04/17/2008 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036 | | | | |
| EXAMINER | | | | |
| LEIVA, FRANK M | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3714 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 04/17/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,138

Applicant(s)

OKADA, KAZUO

Examiner

FRANK M. LEIVA

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 07/24/2007.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. The examiner acknowledges claim 6 canceled in the applicant's submission filed 19 November 2007, and newly added claims 9-11.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-5, 7-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow et al (US 2003/0064771 A1) in view of IGT-EuroneWS Winter 1997 edition.**

4. With regards to analogous art presented; IGT-EuroneWS discloses IGT gaming products available for the European market, with a disclosure of the Vision series and Game King game features pertinent to this application.

5. **Regarding claim 1 ; Morrow discloses a gaming machine comprising:**

A plurality of reels for variably displaying each of a plurality of symbols thereon, (fig. 1 and 2) display 50 depicting the main screen of two well-known slot games Blazing 7's and Black and White, which would display reels with symbols.

An image display device for displaying an image that differs from the symbols of the reels, (¶ [0011]), second display showing paytables.

A payout device for payout; a controller for executing a predetermined program and controls the reels, the image display device, and the payout device, wherein the controller

operates a lottery of a winning combination according to the predetermined program; the controller controls and stops a changing display of the reel based on the winning combination obtained by the lottery; the controller allows the payout on the basis of an amount of payout set to the winning combination when a stop mode of the reel matches a symbol combination of the winning combination, (fig.1), showing a casino slot machine with the inherent limitations of payout devices, random (lottery) generators and controllers to indicate winning combinations and payouts.

The controller allows the image display device to display the winning combination and an amount of payout while changing the amount of payout, , (§[0011-0013]), whereas the casino management can change the game from a list of available games, and that the payable showing in the top video would change to the new payable selected when converting the game.

Morrow is silent to the controller having a plurality of kinds of payout data with respect to one kind of game, and applies one kind of payout data based on a selected operation for the game to be played.

IGT-Euronews discloses a controller having a plurality of kinds of payout data with respect to one kind of game, and applies one kind of payout data based on a selected operation for the game to be played, (p. 4; More games...), top of page 4 discloses the Game King multi-game platform to have 16 games with a total of 56 paytables to choose from, that is about average 3.5 paytables per game. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teachings of the IGT Game King multi-game platform to Morrows invention in order to compete with the commercial success of its competitor. The multiple paytables feature is only a predictable outcome for any gaming machine manufactured since 1997 in order to keep in pace with the market.

6. **Regarding claim 2;** Morrow discloses wherein the image display device is formed by an electric display device and displays a plurality of images with reference to the amount of payout, (§ [0020-0021]).

7. **Regarding claim 3;** Morrow discloses wherein the controller operates in a plurality of operating modes for changing the amount of payout, (¶ [0012]), for example CD-Rom, Intranet or Internet.

8. **Regarding claim 4;** Morrow discloses wherein at least one of the operating modes changes a probability of the lottery, (¶ [0012]), whereas changing paytables inherently changes probability of outcomes.

9. **Regarding claim 5;** Morrow discloses wherein at least one of the operating modes changes the probability of the lottery for a bonus winning combination, (¶[0012]), inherent to the changing of paytables and percentages is the bonus games, since the calculation of the percentages includes in part the operation of the bonus game.

10. **Regarding claim 7;** Morrow discloses wherein the controller also authenticates effectiveness of a password inputted by an operation of a manager for managing the gaming machine, and changing the amount of payout on the basis of a result of an authentication device, (¶ [0040-0041]), private key and public key also known as a Key Chip.

11. **Regarding claim 8; Morrow discloses** a gaming machine comprising:

A variable display device for variably displaying a plurality of symbols, (fig. 1), slot machine.

A lottery device for operating a lottery of a winning combination, (fig. 1), slot machine.

A stopping control device for controlling and stopping the variable display device on a basis of a result of the lottery, (fig. 1), inherent in a slot machine.

A payout device for on the basis of an amount of the payout set for the winning combination when a stopped state of the variable display device reaches a symbol combination equal to the winning combination, (fig. 1), inherent in the slot machine depicted.

A payout display device for displaying the winning combination and at least the amount of payout to be paid out, (fig. 1 and 2; item 30 description, claim 30).

Morrow is silent of a payout changing device for changing the amount of payout by applying one kind of payout data from a plurality of kinds of payout data with respect to one kind of game, based on a selected operation for the game to be played.

IGT-Euronews discloses a payout changing device for changing the amount of payout by applying one kind of payout data from a plurality of kinds of payout data with respect to one kind of game, based on a selected operation for the game to be played, (p. 4; More games...), top of page 4 discloses the Game King multi-game platform to have 16 games with a total of 56 paytables to choose from, that is about average 3.5 paytables per game. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teachings of the IGT Game King multi-game platform to Morrow's invention in order to compete with the commercial success of its competitor. The multiple paytables feature is only a predictable outcome for any gaming machine manufactured since 1997 in order to keep in pace with the market.

12. **Regarding claim 9;** Morrow discloses wherein the amount of payout is changed by selecting the plurality of images, (¶ [0022]), the presence of the touchscreen indicates the ability of the operator to select by touching the images on the screen.

13. **Regarding claim 10;** Morrow discloses wherein the amount of payout is changed by changing each of data shown in the plurality of images, (¶ [0022]), using a touchscreen menu inherently changes the images according to what is selected.

14. **Regarding claim 11;** Morrow discloses wherein at least one of the operating modes for changing the amount of payout is selected, (¶ [0012]), inherent to casino gaming machines is that in order to function a payout table must be selected and thus the method for changing it must be decided in advance.

Response to Arguments

15. Applicant's arguments with respect to claims 1-5 and 7-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/716,138
Art Unit: 3714

Page 7

FML 02/22/2008

/Scott E. Jones/

Primary Examiner, Art Unit 3714